

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
At White Plains**

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CHRIS RYDER, an individual:

CASE NO. CV: 12-cv-6875 (CS)

Plaintiff

VS.

**MOTION IN
OPPOSITION TO
DEFENDANT WIN
LUX MOTION TO
DISMISS AND
CROSS-CLAIM
EME (NEVADA)**

TRUE VALUE HARDWARE, INC (#1)

And:

TRUE VALUE HARDWARE COMPANY, NATIONAL (#2)

And;

LUX PRODUCTS, INC (#3)

And;

VILLAGE HARDWARE, INC (#4)

And;

C.P.C. LOGISTICS, INC¹ (#5)

And;

ORBIT/EME MANUFACTURING, INC² (#6)

And;

PENSKE TRUCK LEASING, INC (#7)

And;

MICROCHIP TECHNOLOGY, INC (#8)

And;

TRUE VALUE DISTRIBUTION, INC (#9)

Defendants

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Defendant WIN LUX Products, Inc. did file with this Court a Cross Claim and a consolidated 'Motion to Dismiss on or about October 4, 2012 wherein this Defendant seeks dismissal of the Plaintiff's claim, and requests that this Court

¹ Consolidated Personnel Corporation

² Edwin McAuley Electronics Limited (EME)

implead EME NEVADA Inc. into its cross-claim. Counsel for EME, Nevada has requested and been supplied with a stipulation by the Plaintiff to Substitute Parties, removing in part, Orbit/EME Manufacturing and replacing it with EME, Nevada. Counsel for EME, Nevada (as substituted party) will file that stipulation by separate Motion. Plaintiff does not oppose such substitution.

However, now Defendant Win Lux requests that this Court issue an order of dismissal of the Plaintiff's claim and complaint as part of Defendant Win Lux's request to Cross-Claim EME, Nevada. The Motion of October 4th, 2012 by Win Lux makes no logical sense as it applies to the Plaintiff.

Asking the Court for among other things, Judgment of Dismissal and Costs and Disbursements relative to the Defendant Win Lux being listed as a Defendant party to the action in the instant case has little merit and defies the logic of seeking a collateral and contemporaneous cross-claim.

The Defendant's motion is defective for a range of reasons. First: this Court has not even had the opportunity to review the complaint according to verbal verification from the courtroom deputy as of October 10, 2102.

Next, the complaint is very carefully and factually articulated and the Plaintiff's position is that Win Lux has a very high degree of culpability in this loss to the Plaintiff and that loss is carefully documented by scientific evidence, photographic evidence and other expert evidentiary materials.

For these and other reasons, Plaintiff requests that this Court deny any request by this primary Defendant for the portion of the Defendant's Motion seeking its motion to dismiss that is co-mingled with the cross-claim of the substituted party.

Dated this 12th^h day of October 2012, Cambridge, Massachusetts



Chris Ryder, Pro Per

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Certification:

I hereby certify that a true and accurate copy of this Motion in Opposition was mailed, U.S. Postal surface mail, first class, postage prepaid to:

SHAFFER GLAZER, LLP

90 John Street, Suite 701

New York, NY 10038

On October 11, 2012 with Certificate of Mailing



Pro se/ Pro per